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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

YVETTE FELARCA, et al.

Plaintiffs,

vs.

ROBERT J. BIRGENEAU, et al.,

Defendants.

**CASE NO.: 4:11-cv-05719-YGR**

**STIPULATION AND PROPOSED  
ORDER TO REVISE CASE  
SCHEDULE**

Date: November 13, 2012

Time: 2:00 p.m.

Ctrm: TBD

Judge: Hon. Yvonne Gonzalez Rogers

The parties, by and through their respective counsel, stipulate as follows:

**I. RECITALS**

1. On September 4, 2012, this Court ordered the following schedule for this case, per the stipulated request of the parties:

A. Defendants' responses to the Amended Complaint are due September 18, 2012.

B. Plaintiffs' oppositions to any motions filed in response to the Amended Complaint are due October 16, 2012.

C. Any replies to oppositions to motions filed in response to the Amended Complaint are due on October 30, 2012.

1 D. Hearings on any motions filed in response to the Amended Complaint shall  
2 take place on Tuesday, November 13, 2012, at 2 p.m.

3 E. The Case Management Conference is set for December 3, 2012.

- 4 2. This was the first postponement of the current proceedings: the Case Management  
5 Conference (CMC) had previously been scheduled for September 10, 2012. The current  
6 stipulation is not requesting a further postponement of the CMC.
- 7 3. Counsel for plaintiffs have requested that defendants stipulate to a one-week extension of  
8 the deadline for plaintiffs' opposition. Plaintiffs' counsel, in addition to preparing for a  
9 felony immigration trial with the defendant still in custody that begins October 16, were  
10 occupied with representing a union in an unforeseen September 30-October 5 strike; and  
11 lead counsel Shanta Driver has come down with health problems that have constricted  
12 her workday and prevented her from traveling.
- 13 4. Counsel for defendants have agreed to a one-week extension of the deadline for  
14 plaintiffs' opposition, provided that the deadline for their reply is likewise extended by  
15 one week.
- 16 5. Therefore, counsel for the parties have agreed to stipulate to the following briefing  
17 schedule, subject to the Court's approval: plaintiffs' opposition to defendants' motions  
18 would be due October 23, 2012; and replies to oppositions to motions would be due  
19 November 6, 2012.
- 20 6. The attorneys have consulted and have determined that we are all jointly available on the  
21 following possible date for the hearing: November 20, 2012.
- 22 7. If granted, the motions to dismiss would narrow the issues of this case.
- 23

24 **II. STIPULATION**

1. Plaintiffs' oppositions to any motions filed in response to the Amended Complaint shall be due on October 23, 2012.
2. Any replies to oppositions to motions filed in response to the Amended Complaint shall be due on November 6, 2012.
3. Hearings on any motions filed in response to the Amended Complaint shall take place on Tuesday, November 20, 2012 at 2 p.m., or at such other time as the Court may order.

By the parties' attorneys IT IS SO STIPULATED,

Date: October 15, 2012

SCHEFF, WASHINGTON & DRIVER

By /s/ Ronald Cruz  
RONALD CRUZ  
Attorneys for Plaintiffs

Date: October 15, 2012

ANDRADA & ASSOCIATES

By \_\_\_\_\_  
RANDY ANDRADA  
Attorneys for Defendants  
GREGORY AHERN, OFFICER CHAVEZ,  
OFFICER GARCIA, OFFICER KING and  
OFFICER OBICHERE

Dated: October 15, 2012

CROWELL & MORING, LLP

By /s/ Janine L. Scancarelli  
JANINE L. SCANCARELLI  
Attorneys for Defendants  
ROBERT J. BIRGENEAU, GEORGE  
BRESLAUER, HARRY LE GRANDE, LINDA  
WILLIAMS, JOHN WILTON, CLAIRE  
HOLMES, MITCHELL CELAYA

Dated: October 15, 2012

LACKIE, DAMMEIER, MCGILL & ETHIR, APC

By /s/ Russell M. Perry  
RUSSELL M. PERRY  
Attorneys for Defendants  
OFFICER N. HERNANDEZ, OFFICER  
LACHLER and DETECTIVE RICK FLORENDO

I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
“conformed” signature (/s/) within this e-filed document. /s/ Ronald Cruz

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: October 17, 2012

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE